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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,961	10/21/2003	Naohiro Isshiki	03500.017690.	3287
5514	7590	02/09/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			NGUYEN, THUAN T	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2685	
DATE MAILED: 02/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,961	Applicant(s) ISSHIKI, NAOHIRO	
	Examiner THUAN T. NGUYEN	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7, 9-11, 13, 15-17 is/are rejected.
- 7) ☒ Claim(s) 2, 6, 8, 12, 14 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/08/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 1, 3-5, 7, 9-11, 13, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakao (U.S. Patent No. 6,028,676).

Regarding claim 1, Nakao discloses a printing apparatus comprising a setting unit for setting whether printing is executed in excess of a specific deterioration degree or not; and a printing unit for executing the printing on the basis of print information in accordance with the pre-setting by the setting unit (Fig. 4, and col. 4/lines 35-65 as an operator can instructs a host computer on whether to print or not to print an image due to a pre-setting condition based on the quality of the image, i.e., whether there will be image inferiority or not (due to deterioration), before printing out to the printer).

As for claim 3, Nakao further teaches the setting unit includes an operation panel (Fig. 7 for user interface 1700 as it can be used for inputting control to operate the apparatus; and further in col. 6/lines 19-32 for printing control and display control addressed for printing operation).

As for claim 4, Nakao further discloses wherein the deterioration includes deterioration due to image compression (col. 2/line 63 to col. 3/line 31 as image data is being compressed and converted to bit data for the laser printer to print).

As for claim 5, Nakao discloses wherein the setting unit includes a unit for setting a degree of the deterioration, i.e., the less of the density of the bit data for the printing process creates the more deterioration (Fig. 4 as printer mode can be set, and refer again to col. 4/lines 35-65 to whether to print or not based on the pre-setting of printer due to the density/deterioration).

Regarding claims 7, 9-11, 13, and 15-17, these claims with same limitations addressed earlier are rejected for the reasons given in the scope of claims 1 and 3-5 as discussed above.

Allowable Subject Matter

3. Claims 2, 6, 8, 12, 14, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a printing apparatus, a program product and its corresponding method as in claims 1, 7, and 13 AND further including the features of claims 2, 6, 8, 12, 14, and 18 as claimed therein.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Takahashi, Kinjo, Kageyama et al, and Murakami et al. (in PTO 892 attached) disclose systems related to printing apparatus and techniques.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to the New Central Fax number:


(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TONY T. NGUYEN
PATENT EXAMINER

Tony T. Nguyen
Art Unit 2685
February 02, 2006